

**CEMETERY BOARD
MEETING MINUTES
DECEMBER 8, 2009**

PRESENT: E. Glen Porter III, Timothy Stanley, Mary Lehman, Kathleen Cantu
(joined the meeting at 9:53 a.m.), and W. Ed Greenfield

ABSENT: Cecelia Timmons

STAFF PRESENT: Yolanda McGowan, Bureau Director; Mike Berndt, Legal Counsel;
Michelle Solem, Bureau Assistant

GUESTS: Peter Shaw Johnson, Kenosha Cemetery Association

CALL TO ORDER

E. Glen Porter III called the meeting to order at 9:30 a.m. A quorum of 4 members was present.

APPROVAL OF AGENDA

MOTION: Ed Greenfield moved, seconded by Mary Lehman, to approve the Agenda
as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 29, 2009

MOTION: Tim Stanley moved, seconded by Mary Lehman, to approve the Minutes
of September 29, 2009, as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT –YOLANDA MCGOWAN, BUREAU DIRECTOR

Adoption of 2010 Meeting Dates

Yolanda McGowan asked the Board to calendar the following meeting dates for calendar 2010.
March 9, June 15, September 28 and December 7.

Ms. McGowan reminded Board members that if they are unable to attend a meeting, they should
contact her along with Michelle Solem, Bureau Assistant, as well as cancel the hotel room
should that be applicable.

Ms. McGowan also introduced Mike Berndt, Legal Counsel. He told the Board that we have
received hiring authority to hire a permanent Legal Counsel for this Board.

Glen Porter told the Board that he and Mr. Greenfield attended the Board Chair training and
recommended that anyone in the position should attend that training if it is offered in the future.

LEGISLATION/ADMINISTRATIVE RULES

Status Report on Scope Statement and Potential Rule Changes Relating to Wisconsin Act 174 Relating to Regulation of and Registration Requirements for Certain Cemetery Authorities, Cemetery Associations, and Cemetery Merchandise

Ms. McGowan indicated that there has been no movement and therefore, nothing to report.

CREDENTIALING ISSUES

Review of Cemetery Authority Annual Report Form

Ms. McGowan distributed an update, in the form of an e-mail, from Gene Kleinert. The Board briefly discussed the questions posed by Mr. Kleinert related to the form and the type of information to be included in the form. Mr. Berndt indicated that the Board could ask some additional questions but would need to review the open records laws as it would relate to those additional questions.

Kathleen Cantu joined the meeting at 9:53 am.

Mr. Berndt indicated that the Board may not be able to take action on some of these questions. It may require legislative action. The Board decided that they would like to bring this issue to the table at the March meeting to allow for new legal counsel to work with the Board to revise the form.

The Board discussed the need for rules related to use of care funds and use of capital gains related to trust funds.

REVIEW AND DISCUSS FEDERAL BILL HR3655: BEREAVED CONSUMER'S BILL OF RIGHTS ACT OF 2009

Mr. Porter indicated that the House of Representatives has introduced legislation that would include cemeteries in the Funeral Rule. He indicated that similar legislation has failed in the past. Mr. Berndt indicated that this Board would become the regulatory authority for the federal government as it relates to this law, should it be enacted. It was suggested that we include language in the current rule making process that empowers the Board to enforce related federal statutes.

TRAVEL

Nominate a Delegate to Attend International Cemetery, Cremation and Funeral Association 2010 Convention and Exposition – March 10-13, 2010, San Antonio, TX

NOMINATION: Mary Lehman nominated Ed Greenfield as the representative to attend the International Cemetery, Cremation and Funeral Association 2010 Convention and Exposition. Motion carried unanimously.

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MISCELLANEOUS CORRESPONDENCE/INFORMATION

Discussion of Ongoing Efforts to Locate Cemeteries

Mr. Porter indicated that Jamie Robertson – state Geographer – included him on a list-serve to find cemeteries. He also worked with the state cartographer and the north central Wisconsin regional planning officer to locate cemeteries. They have found 2700 identifiable cemeteries by latitude and longitude. They are looking to locate about 1000 more.

MEDIA REPORTS RELATING TO THE REGULATION OF CEMETERIES

None.

DISCUSSION OF FUTURE AGENDA ITEMS

None.

CONVENE TO CLOSED SESSION

MOTION: Ed. Greenfield moved, seconded by Kathleen Cantu, to deliberate on cases following hearing (s. 19.85(1) (a), Stats.); consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats.), to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.) Roll Call Vote: E. Glen Porter III- yes, Timothy Stanley- yes, Kathleen Cantu- yes, Mary Lehman- yes, Ed Greenfield - yes. Motion carried unanimously.

The Board convened into Closed Session at 10:56 a.m..

RECONVENE TO OPEN SESSION

MOTION: Kathleen Cantu moved, seconded by Timothy Stanley, to reconvene into open session at 11:27 a.m.. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MONITORING REPORT OR ANY RECEIVED AFTER PRINTING OF AGENDA

None.

CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR ANY RECEIVED AFTER PRINTING OF AGENDA

None.

Deliberation on Proposed Stipulations or any signed after printing of agenda

None.

Deliberation on Proposed Administrative Warnings or any received after printing of agenda

None.

Proposed Decision or any signed after printing of agenda

None.

Deliberation on Disciplinary Actions signed after printing of agenda

None.

Petitions for Rehearing received after the printing of agenda

None.

Request for Class 1 Hearings or any requested after printing of agenda

None.

Application Review or any submitted after printing of agenda

None.

Reinstatement Requests or any submitted after printing of agenda

None.

Examination Issues

None.

Consulting with Legal Counsel

The Board discussed cemetery finances with legal counsel. The Board also determined that the statute is not written so as to give authority to the Board to authorize use of trust funds.

**DOE – SIGNATURES FOR PROPOSED STIPULATIONS, ORDERS, AND
ADMINISTRATIVE WARNINGS**

None.

ADJOURNMENT

MOTION: Ed Greenfield moved, seconded by Mary Lehman, to adjourn the meeting at 11:28. Motion carried unanimously.